



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 2, 1993

Mr. James R. Raup
McGinnis, Lochridge & Kilgore, L.L.P.
1300 Capitol Center
919 Congress Avenue
Austin, Texas 78701

OR93-172

Dear Mr. Raup:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 19196.

Austin Community College ("ACC") has received a request for application forms, resumes and other application material for all applicants for the position of president of the college. You contend that the information at issue is covered by section 3(a)(23) which excepts from disclosure names of applicants for chief executive officer of any institution of higher education.¹

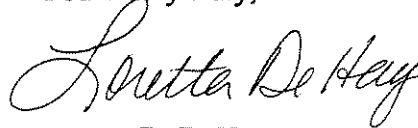
We have considered the exception you claimed, specifically section 3(a)(23), in reference to the documents at issue. A previous determination of this office, Open Records Decision No. 540 (1990), a copy of which is enclosed, resolves your request. For this reason, you may withhold the requested information at this stage of the selection process.²

¹ACC is defined as an institution of higher education by the Texas Higher Education Coordinating Board. TEXAS HIGHER EDUCATION COORDINATING BOARD, INSTITUTIONS OF HIGHER EDUCATION IN TEXAS, 1992-93 (1992); Educ. Code § 61.003(8), § 130.005.

²Although section 3(a)(23) excepts applicant names from disclosure during the initial selection process, ACC must give public notice of the names of finalists at least 21 days prior to the meeting at which the final selection is made.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR93-172.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Opinion Committee

LRD/le

Ref.: ID# 19196

Enclosure: Open Records Decision No. 540

cc: Mr. Mack Ray Hernandez
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(w/ enclosures)

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